

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**  
*Western Division*

THE PROCTER & GAMBLE COMPANY,

Plaintiff,

V.

THE COCA-COLA COMPANY,

Defendant.

CIVIL ACTION NO. C-1-02-393

Hon. Walter Herbert Rice

Hon. Sharon L. Ovington (Magistrate)

**THE COCA-COLA COMPANY’S UNOPPOSED MOTION FOR ENLARGEMENT OF  
TIME TO RESPOND TO THE PROCTER & GAMBLE COMPANY’S MOTION FOR  
PARTIAL SUMMARY JUDGMENT ON THE COCA-COLA COMPANY’S DEFENSE  
OF EQUITABLE ESTOPPEL**

The Coca-Cola Company (“Coca-Cola”), through counsel, respectfully moves for an enlargement of time to respond to The Procter & Gamble Company’s (“P&G”) Motion for Partial Summary Judgment on The Coca-Cola Company’s Defense of Equitable Estoppel. Counsel for P&G has indicated that P&G will not oppose this Motion. A Proposed Order is attached.

Essentially, the relief sought is premised on an extension of the same grounds for an enlargement of time set forth in Coca-Cola's previous Motion, which the Court granted. *See* Docket No. 88. It remains the case that any motion for summary judgment may be obviated by the Court's decision on claim construction. The January 24, 2005 Order set the current due date for filing Coca-Cola's response to P&G's motion to either 30 days following the issuance of the Court's ruling on claim construction, or, in the alternative, April 20, 2005. *See* Docket No. 90. Consistent with that Order, Coca-Cola respectfully requests an identical extension of the deadline for responding to P&G's summary judgment motion until either 30 days following the

issuance of the Court's decision on claim construction, or, in the alternative, July 20, 2005, whichever date is later. In the event the Court denies this Motion, Coca-Cola respectfully requests that the Court extend the due date for responding to P&G's motion for summary judgment until 21 days after the date of its Order.

Dated: April 19, 2005

By: /s/Roger Makley  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of THE COCA-COLA COMPANY'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO THE PROCTER & GAMBLE COMPANY'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON THE COCA-COLA COMPANY'S DEFENSE OF EQUITABLE ESTOPPEL and PROPOSED ORDER was filed electronically on this 19<sup>th</sup> day of April, 2005. Notice of this filing will be sent to the parties by operation of the Court's CM/ECF electronic filing system.

/s/Christopher W. Day  
Christopher W. Day